

REMARKS

As a preliminary matter, the Applicant thanks the Examiner for providing the Office Action dated June 14, 2005 (the "Office Action") and the search results contained therein. In the Office Action: (1) a Restriction was issued with respect to Claim Group 1 (Claims 1-26 and 55) and Claim Group 2 (Claims 27-54); (2) Claims 27-54 were rejected pursuant to 35 U.S.C. 102(b) as being anticipated by U.S. Patent Number 5,604,531 ("Iddan"); and (3) Claims 1-26 and 55 were allowed.

Pursuant to the claim amendments and the remarks below, Applicant believes that Claims 1-55 are in condition for allowance.

I. Restriction/Election Requirement

Applicant traverses the Restriction/Election Requirement. As amended, the Claims in Claim Group 2 are no longer distinct from the Claims in Claim Group 1. Applicant's Claims pertain to an environmental attribute triggering the powering of device. The claimed devices are not powered until the device encounters the triggering environmental condition. The phrase "in a living organism" has been deleted from Claim 27, and all of the other Claims in Claim Group 2 depend on Claim 27.

Pursuant to the requirements of 37 CFR 1.143, Applicant makes a provisional election of Claim Group 1. For the reasons stated above, the Restriction/Election Requirement is no longer proper.

II. Iddan fails to disclose the delayed activation of a powered device

As amended, Applicant's Claims pertain the delayed activation of a powered device, wherein the triggering event is the encounter of a particular environmental condition. Contrary to the assertions in the Office Action, Iddan fails to disclose the "delayed activation" limitation found in Applicant's Claims.

Notably, words such as "delay" and "activation" fail to appear even once within the Iddan disclosure. If the Examiner wishes to reject Applicant's Claims

on the basis of Iddan, than the Examiner should site the specific portions of Iddan which disclose the “delayed activation” functionality.

The Examiner must provide specific citations to support the assertion that the specific elements claimed by the Applicant are disclosed in the prior art. See In re Thrift, Case Number 01-1445 (Fed. Cir. August 9, 2002):

While the examiner’s statement generally addresses the use of grammar, it does not discuss the unique limitations of extracting, modifying, or processing the grammar to interact with hypermedia sources. The Board’s decision is not supported by substantial evidence because the cited references do not support each limitation of claim 11. See In re Vaeck, 947 F.2d 488, 493, 20 USPQ2d 1438, 1444 (Fed. Cir. 1991).

The prior art cited by the Examiner does not support the rejection of Applicant’s Claims. Accordingly, Claims 1-55 are in condition for allowance.

III. Applicant’s Claim Amendments are supported in the Specification

Many of Applicant’s Claim Amendments are broadening amendments. The scope of the broadened claims is supported by the specification as originally filed. For example, “a wide variety of different environmental characteristics can be used to trigger the activation of the device.” See [0043]. By way of further example, battery powered devices are simply one example of a powered device. See [0028].

As amended, Claims 1-55 are in condition for allowance.

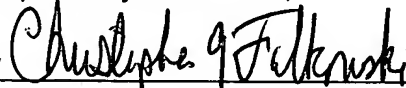
CONCLUSION

The Applicants believes that Claims 1-55 as currently amended are in condition for allowance. To the extent that the Examiner is in disagreement, the Applicants invite the Examiner to contact their attorney to arrange for a discussion of any open issues.

No fees are due with the submission of this Amendment and Response to Office Action.

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Respectfully submitted,

By 

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